

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Hyun-kwon CHUNG, et al.

Serial No. 09/903,630

Group Art Unit: 2145

Confirmation No. 1050

Filed: July 13, 2001

Examiner: Jeffrey R. Swearingen

For: REPRODUCING APPARATUS AND SERVER SYSTEM PROVIDING ADDITIONAL
INFORMATION THEREFOR

REQUEST FOR CORRECTED EXAMINER'S ANSWER

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Examiner's Answer mailed September 20, 2007, the Examiner's Answer acknowledges in item (2) that a pending appeal exists for U.S. Patent Application No.10/995,295 "which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal." However, the Examiner's Answer did not cite to the Board's decision in U.S. Patent Application No.10/995,295, Appeal 2007-3518, decided September 19, 2007 in either item (2), or in the arguments in items (9) and (10). Moreover, in items (9) and (10), the Examiner's Answer did not address the Board's findings which would have a bearing on the issues under 35 U.S.C. §103 relating to the rejection of claims 45-51, 53-60, and 62-71 in view of Meyer et al. (U.S. Patent No. 6,829,368) and Montulli (U.S. Patent No. 5,774,670). Of special interest in the Board's decision are pages 9-10, in which the Examiner's obviousness rejection in view of Meyer et al. (U.S. Patent No. 6,829,368) and Montulli (U.S. Patent No. 5,774,670) was reversed for reasons stated therein. Similarly of interest are pages 7-8 in which the Examiner's inherency rejection was rejected in light of a new ground of rejection not previously relied upon and which is not based upon inherency.

Consistent with MPEP 707.07(f) and MPEP 1207.02, the Examiner is required to answer and address all such grounds in the Examiner's Answer. As such, since the Examiner has not addressed the impact of the Board's decision on issues of relevance to the appeal, and since the Examiner's Answer was not mailed until after the Board's decision, it is respectfully requested that the Examiner withdraw the Examiner's Answer and issue a new Examiner's

Answer addressing the Board's decision.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

Respectfully submitted,

STEIN, MCEWEN & BUI LLP

By: 

James G. McEwen
Registration No. 41,983

1400 Eye Street, NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510

Date: Oct. 5, 2007